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March 24, 1994

~~DOCKET FILE COPY DUPLICATE~~

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M St., N.W.
Wash., D.C. 20554

MAR 24 1994

Re: In the Matter of Review of the
Commission's Regulations Governing
Television Broadcasting
MM docket No. 91-221

WRITTEN EX PARTE PRESENTATION

Dear Mr. Caton:

On behalf of Broad Street Television, L.P., Cosmos
Broadcasting Corporation, Guy Gannett Publishing Company, Evening
Post Publishing Company, and River City Broadcasting, L.P., we
transmit herewith Joint Comments in support of the Motion for
Expedited Action filed on February 17, 1994, by A. H. Belo
Corporation in the above-captioned rulemaking proceeding.

In accordance with the requirements of Section
1.1206(a)(1) of the Commission's Rules, two copies of this
written ex parte communication are being submitted to the
Secretary's office for inclusion in the public record in this
proceeding.

Respectfully submitted,

Suzanne M. Perry

Suzanne M. Perry

SMP:car
Enclosure

cc w/encl.
By Hand:

The Honorable Reed Hundt
The Honorable Andrew C. Barrett
The Honorable James H. Quello
Roy Stewart, Esq.

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On behalf of Broad Street Television, L.P., Cosmos Broadcasting Corporation, Guy Gannett Publishing Company, Evening Post Publishing Company, and River City Broadcasting, L.P., we transmit herewith Joint Comments in support of the Motion for Expedited Action filed on February 17, 1994, by A. H. Belo Corporation in the above-captioned rulemaking proceeding.

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In the Matter of)
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Review of the Commission's)
Regulations Governing)
Television Broadcasting)
)
To: The Commission)

MM Docket No. 91-221

JOINT COMMENTS IN SUPPORT OF
MOTION FOR EXPEDITED ACTION

BROAD STREET TELEVISION, L.P.
COSMOS BROADCASTING CORPORATION
GUY GANNETT PUBLISHING CO.
EVENING POST PUBLISHING CO.
RIVER CITY BROADCASTING, L.P.

DOW, LOHNES & ALBERTSON
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Washington, D.C. 20037
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Their Attorneys

March 24, 1994

In the Matter of)
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Review of the Commission's)
Regulations Governing) MM Docket No. 91-221
Television Broadcasting)
)
To: The Commission)

2/ Review of the Commission's Regulations Governing Television Broadcasting, Notice of Proposed Rule Making, 7 FCC Rcd 4111 (1992) ("Notice").

participation in the multichannel video market. Among the options suggested, the Notice proposed to change the television duopoly rule's standard for prohibited overlap from the Grade B to the Grade A contour. Belo's Motion asked for expedited action herein, and at least adoption of this proposal. In doing so, Belo demonstrated that the radical changes in the video programming market had transformed television ownership regulations into a detrimental impediment to broadcasters' competitive participation in today's dynamic media marketplace, thus inhibiting their provision of services that advance the public interest.

The Joint Parties heartily endorse Belo's request. The Notice recognized, and the comments filed herein overwhelmingly agree, that many if not all television ownership restrictions have lost their policy justification: indeed, in today's diverse and competitive video marketplace, they are counterproductive. Belo's Motion not only confirmed this conclusion but demonstrated the pressing need for prompt action to take at least the minimum step of revising the television duopoly rule's overlap standard.

The television duopoly rule is an archaic restriction which was adopted and designed for a bygone media era. In today's diverse multimedia world, it unfairly

relegates television broadcasters to second-class status. And this, in turn, may deprive the public of the continued benefits of a strong free, over-the-air television industry.

The Notice explicitly recognized the duopoly rule's anachronistic nature. In proposing to change its overlap standard from the Grade B to Grade A contour, the Commission observed that

[t]his change would narrow the geographic area in which common ownership of television stations would trigger our rules to an area that more accurately reflects a station's core market. In addition, the rule revision would permit common ownership of stations in neighboring communities, thus facilitating increased operating efficiencies.^{3/}

The Joint Parties submit that it is insufficient merely to acknowledge the benefits of the slight liberalization of television ownership restrictions associated with this small change in the duopoly rule's overlap standards: the Commission must also promptly adopt this change.

Although multichannel video providers enjoy multiple alternative paths to the home, television stations are limited to a single path. In such circumstances, the economies of scale and operational efficiencies which would be permitted by increased common ownership -- even to the limited extent associated with a change in overlap standards -- are critical

3/ Notice, 7 FCC Rcd at 4115 [footnote omitted].

to stations' continued competitive capability. Every day which goes by under current restrictions is another day on which over-the-air television's competitors speed further and further along the information superhighway. It is time that television broadcasters be permitted to begin their journey as well.

Conclusion

The Joint Parties urge the Commission to act promptly to relieve its ownership rules' regulatory burden in order "...to preserve everywhere in the country strong, diverse, creative, free, over-the-air broadcast service." Remarks of CHairman Reed Hundt to National Association of Broadcasters Convention (March 23, 1994). Although more comprehensive rule liberalizations are fully justified by the record in this proceeding, the Commission should at least start the process with the small step of changing in the duopoly rule's overlap standard to the Grade A contour. Broad Street Television, L.P., Cosmos Broadcasting Corporation, Guy Gannett Publishing Co., Evening Post Publishing Company and River City Broadcasting, L.P. join A. H. Belo Corporation in

urging prompt action in this proceeding to, at a minimum,
adopt this change.

Respectfully submitted,

BROAD STREET TELEVISION, L.P.
COSMOS BROADCASTING CORPORATION
GUY GANNETT PUBLISHING CO.
EVENING POST PUBLISHING CO.
RIVER CITY BROADCASTING, L.P.

By: Kevin F. Reed / smf
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